

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**Judge Hellerstein**----- x  
UNITED STATES OF AMERICA :INDICTMENT

19 Cr.

- v. -

DAVID SMOTHERMON, :

**19 CRIM 382**

Defendant. :

----- x

COUNT ONE  
(Wire Fraud)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <b>MAY 23 2019</b>

The Grand Jury charges:

1. From at least in or about December 2015, up to and including at least in or about September 2016, in the Southern District of New York and elsewhere, DAVID SMOTHERMON, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, SMOTHERMON devised and executed a scheme to defraud his employer, a financial firm ("Firm-1"), of its right to control its assets, and thereby exposed Firm-1 to risk of economic harm, by causing false entries to be made in Firm-1's accounting

system, leading Firm-1 to substantially overvalue various positions it held, and in connection therewith and in furtherance thereof, caused to be transmitted interstate e-mails transmitting the false entries and overstated valuations.

(Title 18, United States Code, Sections 1343 & 2.)

**FORFEITURE ALLEGATION**

2. As a result of committing the offense charged in Count One of this Indictment, DAVID SMOTHERMON, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of the proceeds traceable to the commission of said offense.

**Substitute Assets Provision**

3. If any of the above described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or

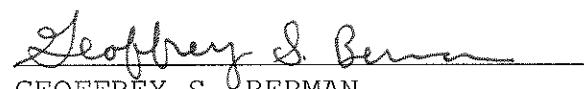
(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, 981; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)

  
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Tracy Mutter

FOREPERSON

  
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Geoffrey S. Berman  
GEOFFREY S. BERMAN  
United States Attorney

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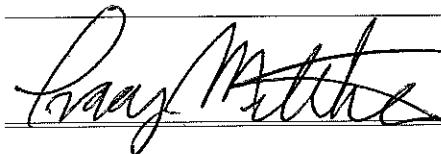
INDICTMENT

19 Cr.

(18 U.S.C. §§ 1343 & 2.)

GEOFFREY S. BERMAN  
United States Attorney.

A TRUE BILL

  
\_\_\_\_\_  
Foreperson.

May 23, 2019

Filed Indictment. Case assigned to  
Judge Hellerstein.

  
U.S.M.I. Debra Freeman